

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

| | | |
|---------------------------------|---|----------------|
| UNITED STATES OF AMERICA, | : | CIVIL ACTION |
| | : | |
| Plaintiff, | : | |
| | : | |
| v. | : | No. 15-CV-2202 |
| | : | |
| ONE (1) PALMETTO STATE ARMORY | : | |
| PA-15 MACHINEGUN RECEIVER/FRAME | : | |
| UNKNOWN CALIBER, SERIAL NUMBER | : | |
| LW001804, | : | |
| | : | |
| Defendant, and | : | |
| | : | |
| WATSON FAMILY GUN TRUST | : | |
| | : | |
| Claimant. | : | |
| | : | |

**CLAIMANT WATSON FAMILY GUN TRUST’S
ANSWER TO COMPLAINT FOR FORFEITURE**

Claimant, the Watson Family Gun Trust, by and through counsel, David Scott, Esq., hereby files this Answer to the Complaint for Forfeiture and avers as follows:

1. Admitted in part, denied in part. It is admitted that Plaintiff has brought the present civil action *in rem* for the forfeiture of a Palmetto State Armory PA-15 receiver bearing serial number LW001804 (hereinafter “Defendant Firearm”) which was lawfully owned and possessed by Claimant. It is denied that said firearm was in violation of 18 U.S.C. § 922(o) or 26 U.S.C. § 5861(d) or that said firearm is forfeitable pursuant to 18 U.S.C. § 924(d)(1), 26 U.S.C. § 5872(a), or 28 U.S.C. § 2461(c). To the contrary, said firearm was manufactured pursuant to the express written authority of the Plaintiff, namely an Application to Make and Register a Firearm approved by the United States Department of Justice, Department of Alcohol, Tobacco, Firearms

and Explosives with the appropriate tax stamp attached in accordance with 26 U.S.C. § 5822 and 18 U.S.C. § 922(o). A true and correct copy of said approved application is attached hereto, made a part hereof, and marked as Exhibit “A”.

2. Denied as a conclusion of law to which no response is required.

3. Denied as a conclusion of law to which no response is required.

4. Denied as a conclusion of law to which no response is required.

5. It is admitted that *in rem* Defendant to the present action is a Palmetto State Armory PA-15 receiver bearing serial number LW001804 which was confiscated by federal officials on or about November 14, 2014. Claimant is without information or knowledge sufficient to form a belief as to the truth of the remainder of the averments contained in paragraph 5, said averments are therefore denied.

6. Denied as a conclusion of law. To the extent an answer is deemed required, it is denied that the Defendant Firearm was ever possessed in violation of 18 U.S.C. § 922(o) or that Defendant Firearm is subject to forfeiture pursuant to 18 U.S.C. § 924(d)(1).

7. Denied as a conclusion of law. To the extent an answer is deemed required, it is denied that the Defendant Firearm was ever possessed in violation of 26 U.S.C. § 5861(d) or that the Defendant Firearm is subject to forfeiture pursuant to 26 U.S.C. § 5872(a). By way of further answer, to the extent the Defendant Firearm ever failed to be properly registered in the National Firearms Registration and Transfer Record, said failure was due solely to the unilateral, unauthorized, and illegal removal of the Defendant Firearm from said Record by Plaintiff.

8. Admitted in part, denied in part. It is denied that Claimant did not have authority of the United States to manufacture and possess a machine gun. Said authority was granted by the United States pursuant to the approved Application to Make and Register a Firearm attached

hereto as Exhibit "A". The remaining averments in paragraph 8 are admitted.

9. Admitted in part, denied in part. It is denied that the approval of the Application to Make and Register a Firearm was done in error. The remaining averments in paragraph 9 are admitted.

10. Admitted.

11. Admitted.

12. It is admitted that Claimant received a letter from the ATF in September of 2014. The letter is a document which speaks for itself and accordingly, any characterizations thereof are denied.

13. Admitted.

14. It is admitted that Claimant received a letter from Mr. Rabai on or about October 29, 2014. The letter is a document which speaks for itself and accordingly, any characterizations thereof are denied.

15. It is admitted that the Defendant firearm was surrendered under protest to ATF Special Agent Ryan Kovach on or about November 14, 2014.

16. It is admitted that the Watson Family Gun Trust possessed the Defendant firearm. It is denied that Ryan Watson ever possessed said firearm as an individual or otherwise outside of his role as trustee of the Watson Family Gun Trust.

17. Denied.

18. Denied.

19. Denied. Claimant is without information or knowledge sufficient to form a belief as to whether or not the Defendant firearm was ever removed from the National Firearms Registration and Transfer Record. Said allegation is therefore denied. It is further denied that

Ryan Watson ever possessed the Defendant firearm as an individual or otherwise outside his role as a trustee of the Watson Family Gun Trust.

20. Denied. Claimant is without information or knowledge sufficient to form a belief as to whether or not the Defendant firearm was ever removed from the National Firearms Registration and Transfer Record. Said allegation is therefore denied. By way of further answer, it is denied that if the firearm was removed from the National Firearms Registration and Transfer Record that such removal was proper, valid, or done pursuant to any legal authority.

21. Admitted.

22. It is admitted that Ryan Watson, as trustee of the Watson Family Gun Trust, submitted a claim with the ATF for the Defendant property.

23. Denied as a conclusion of law to which no response is required.

24. Denied as a conclusion of law to which no response is required.

25. Denied as a conclusion of law to which no response is required. To the extent a response is deemed required, the allegations in paragraph 25 are denied.

26. Denied as a conclusion of law to which no response is required.

27. Denied as a conclusion of law to which no response is required. By way of further answer, Claimant is without information or knowledge sufficient to form a belief as to whether or not the Defendant firearm was ever removed from the National Firearms Registration and Transfer Record. Said allegation is therefore denied.

WHEREFORE, Claimant, the Watson Family Gun Trust, respectfully requests that the Complaint for Forfeiture be dismissed, and the Defendant property be returned to the Watson Family Gun Trust.

AFFIRMATIVE DEFENSES

1. The Defendant firearm is not in violation of 18 U.S.C. § 922(o) as lawful permission to manufacture said firearm was given by Plaintiff in the form of the approved Application to Make and Register a Firearm which is attached hereto as Exhibit “A”.

2. Plaintiff does not have lawful authority to disapprove an already approved Application to Make and Register a Firearm nor to do so after the firearm was already manufactured pursuant to the approval.

3. 18 U.S.C. § 922(o) does not apply to unincorporated trusts, and Claimant is therefore not prohibited from owning or possessing the Defendant firearm.

4. 18 U.S.C. § 922(o) is in violation of the Second Amendment of the Constitution of the United States.

5. A forfeiture judgment would be in violation of the Fifth Amendment of the Constitution of the United States.

6. Claimant reasonably relied upon Plaintiff’s approval of Claimant’s Application to Make and Register a Firearm in manufacturing the Defendant firearm and Plaintiff is therefore estopped from the present forfeiture action.

7. Plaintiff has unclean hands as pursuant to Plaintiff’s argument, Plaintiff violated 26 U.S.C. § 5822 by approving Claimant’s Application to Make and Register a Firearm which Plaintiff now contends could not have been lawfully approved.

8. Claimant acted in good faith at all times relevant to the present action.

9. Plaintiff has failed to act in good faith.

Respectfully submitted,

Dated: June 12, 2015

/s/ David Scott
David Scott, Esq.
ATTORNEY FOR CLAIMANT
P.A. ID 313491
J. Scott Watson, P.C.
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Glen Mills, PA 19342
(610) 358-9600
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EXHIBIT “A”

OMB No. 1140-0011 (10/31/2013)

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

Application to Make and Register a Firearm

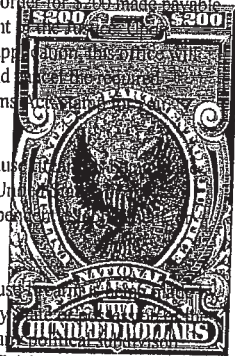
Control Number 2014161951

(Submit in duplicate. See Instructions attached.)

To: National Firearms Act Branch, Bureau of Alcohol, Tobacco, Firearms and Explosives, 244 Needy Road, Suite 1250, Martinsburg, WV 25405

The undersigned hereby makes application, as required by Sections 5821 and 5822 of the National Firearms Act, Title 26 U.S.C., Chapter 53, to make and register the firearm described below.

1. Type of Application (check one)

☒ a. Tax Paid. Submit with your application a check or money order for \$200 made payable to the Department of Justice, with the approval of the appropriate authority to acquire, affix, and "National Firearms Act" stamp.☐ b. Tax Exempt because the firearm is on behalf of the United States, or a department, independent agency thereof.☐ c. Tax Exempt because the firearm is on behalf of any United States, or a department, independent agency thereof, or any official police organization of such a government entity engaged in criminal investigations.

2. Application is made by:

☐ Individual ☒ Corporation or Other Business Entity ☐ Government Entity3a. Trade Name (If any)
WATSON FAMILY GUN TRUST

3b. Applicant's Name and Mailing Address (Type or print below and between the dots)

WATSON FAMILY GUN TRUST
[Redacted Address]

3c. If P.O. Box is Shown Above, Street Address Must Be Given Here

3d. County
DELAWARE3e. Telephone Area Code and Number
[Redacted]

4. Description of Firearm (complete items a through i)

a. Name and Location of Original Manufacturer of Firearm (Receiver) (If prototype, furnish plans and specifications) (See Instruction 2i)

PALMETTO STATE ARMORY, UNITED STATES

b. Type of Firearm to be made (See instruction 1c)

MACHINEGUN

c. Caliber, Gauge or Size (Specify)

5.56

d. Model

PA15

Length (Inches)

e. Of Barrel:

10.5

f. Overall:

26

g. Serial Number (See instruction 2i.)

LW 001804

h. Additional Description (Include all numbers and other identifying data which will appear on the firearm)

i. State Why You Intend To Make Firearm (Use additional sheet if necessary)

ANY LAWFUL PURPOSES

j. Is this firearm being reactivated? ☐ Yes ☐ No (See Definition 1k)5. Applicant's Federal Firearms License (If any)
(Give complete 15-digit Number)

6. Special (Occupational) Tax Status (If applicable)

a. Employer Identification Number

b. Class

Important: All individual applicants (including Federally Licensed Collectors) must complete the reverse side of this form and submit, in duplicate, FBI Form FD-258, Fingerprint Card.

Under Penalties of Perjury, I Declare that I have examined this application, including accompanying documents, and to the best of my knowledge and belief it is true, accurate and complete and the making and possession of the firearm described above would not constitute a violation of Chapter 44, Title 18, U.S.C., Chapter 53, Title 26, U.S.C., or any provisions of State or local law.

7. Signature of Applicant

DIGITALLY SIGNED

8. Name and Title of Authorized Official of Firm or Corporation (if applicable)

RYAN WATSON

9. Date

06/24/2014

The space below is for the use of the Bureau of Alcohol, Tobacco, Firearms and Explosives

By authority of the Director, Bureau of Alcohol, Tobacco, Firearms and Explosives, this application has been examined and the applicant's making and registration of the firearm described above is:

☒ Approved (With the following conditions, if any)☐ Disapproved (For the following reasons)

Authorized ATF Official

Date

08/05/2014

Control Number 2014161951

Additional Requirements

Important: Give full details on separate sheet for all "Yes" answers in items 10 and 11

| 10. Are You: | | Yes | No | 11. Have You: | | Yes | No |
|--|--|--------------------------|--------------------------|---|--|--------------------------|--------------------------|
| a. Charged by information or under indictment in any court for a crime for which the judge could imprison you for more than one year. An information is a formal accusation of a crime made by a prosecuting attorney. | | <input type="checkbox"/> | <input type="checkbox"/> | a. Been convicted in any court of a crime for which the judge could have imprisoned you for more than one year, even if the judge actually gave you a shorter sentence? | | <input type="checkbox"/> | <input type="checkbox"/> |
| b. A fugitive from justice? | | <input type="checkbox"/> | <input type="checkbox"/> | b. Been discharged from the armed forces under dishonorable conditions? | | <input type="checkbox"/> | <input type="checkbox"/> |
| c. An alien who is illegally in the United States? | | <input type="checkbox"/> | <input type="checkbox"/> | c. Been adjudicated mentally defective or been committed to a mental institution? | | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Under 21 years of age? | | <input type="checkbox"/> | <input type="checkbox"/> | d. Renounced your United States citizenship? | | <input type="checkbox"/> | <input type="checkbox"/> |
| e. An unlawful user of or addicted to, marijuana, or any depressant, stimulant, or narcotic drug, or any other controlled substance? | | <input type="checkbox"/> | <input type="checkbox"/> | e. Been convicted in any court of a misdemeanor crime of domestic violence? (see instruction 1m) | | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Subject to a court order restraining you from harassing, stalking or threatening an intimate partner or child of such partner? (see instruction 7c) | | <input type="checkbox"/> | <input type="checkbox"/> | | | | |

12. Photograph

Affix
Recent Photograph Here
(Approximately 2" x 2")
(See instruction 2d)

13. Law Enforcement Certification (See instruction 2f)

I certify that I am the chief law enforcement officer of the organization named below having jurisdiction in the area of residence of

(Name of maker)

I have no information indicating that the maker will use the firearm or device described on this application for other than lawful purposes. I have no information that Possession of the Firearm described in Item 4 on the Front of this Form would place the maker in violation of State or Local Law.

(Signature)

(Printed name)

(Title and agency name)

(Street address, city, State and zip code)

(Telephone Number)

(Date)

By (if delegated authority to sign for the chief law enforcement official):

(Signature)

(Printed name)

(Title and agency name)

(Street address, city, State and zip code)

(Telephone Number)

(Date)

Important Information for Currently Registered Firearms

If this registration document evidences the current registration of the firearm described on it, please note the following information.

Estate Procedures: For procedures regarding the transfer of firearms in an estate resulting from the death of the registrant identified in item 3, the executor should contact the NFA Branch, Bureau of ATF, 244 Needy Road, Martinsburg, WV 25405.

Interstate Movement: If the firearm identified in item 4 is a machinegun, short-barreled rifle, short-barreled shotgun, or destructive device, the registrant may be required by 18 U.S.C. § 922(a)(4) to obtain permission from ATF prior to any transportation in interstate or foreign commerce.

Change of Description or Address: The registrant shall notify the NFA Branch, Bureau of Alcohol, Tobacco, Firearms and Explosives, 244 Needy Road, Martinsburg, WV 25405, in writing, of any change to the description of the firearms in item 4, or any change to the address of the registrant.

Restrictions on Possession: Any restriction (see approval block on face of form) on the possession of the firearm identified in item 4 continues with the further transfer of the firearm.

Persons Prohibited from Possessing Firearms: If the registrant becomes prohibited by 18 U.S.C. § 922 from possessing a firearm, the registrant shall notify the NFA Branch, Bureau of Alcohol, Tobacco, Firearms and Explosives, 244 Needy Road, Martinsburg, WV 25405, in writing, immediately upon becoming prohibited for guidance on the disposal of the firearm.

Proof of Registration: This approved application is the registrant's proof of registration and it shall be made available to any ATF officer upon request.

(Detach this sheet before completing form)

Instructions**1. Definitions.**

on this form for each firearm. The applicant maker must furnish all the information called for on this application form.

- a. **National Firearms Act (NFA).** Title 26, United States Code, Chapter 53. The implementing regulations are found in Title 27, Code of Federal Regulations, Part 479.
- b. **Gun Control Act (GCA).** Title 18, United States Code, Chapter 44. The implementing regulations are found in Title 27, Code of Federal Regulations, Part 478.
- c. **Firearm.** The term "firearm" means: (1) a shotgun having a barrel or barrels of less than 18 inches in length; (2) a weapon made from a shotgun if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length; (3) a rifle having a barrel or barrels of less than 16 inches in length; (4) a weapon made from a rifle if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length; (5) any other weapon, as defined in 18 U.S.C. 5845 (e); (6) a machinegun; (7) a muffler or a silencer for any firearm whether or not such firearm is included within this definition; and (8) a destructive device.
- d. **Person.** The term "person" means a partnership, company, association, trust, estate, or corporation as well as a natural person.
- e. **Employer Identification Number (EIN).** Required of taxpayer filing special (occupational) tax returns under 27 CFR § 479.35.
- f. **Special (Occupational) Tax.** Required by the NFA to be paid by a Federal firearms licensee engaged in the business of manufacturing (Class 2), importing (Class 1), or dealing (Class 3) in NFA firearms.
- g. **Federal Firearms License.** A license issued under the provisions of the GCA to manufacture, import or deal in firearms.
- h. **ATF Officer.** An officer or employee of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) authorized to perform any function relating to the administration of the NFA.
- i. **Make.** The term "make", and the various derivatives of such word, shall include manufacturing (*other than by one qualified to engage in such business under the NFA*), putting together, altering, any combination of these, or otherwise producing a firearm.
- j. **Misdemeanor Crime of Domestic Violence.** A crime that is a misdemeanor under Federal or State law and has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian. The term includes all misdemeanors that involve the use or attempted use of physical force (e.g., *simple assault, assault and battery*), if the offense is committed by one of the defined parties. The person is NOT considered to have been convicted of such crime unless the person was represented by a lawyer or gave up the right to a lawyer, and, if the person was entitled to a jury trial, was tried by a jury or gave up the right to a jury trial.
- k. **Reactivation.** The restoration of a registered unserviceable NFA firearm to a functional condition. This action incurs the making tax liability.
- l. **Unserviceable Firearm.** One which is incapable of discharging a shot by means of an explosive and incapable of being readily restored to firing condition. An acceptable method of rendering most firearms unserviceable is to fusion weld the chamber closed and fusion weld the barrel solidly to the frame.

b. **Registration by Qualified Manufacturer.** A person who has a Federal firearms license to manufacture firearms (*Type 07 or 10*) and who has paid special (occupational) tax to manufacture NFA firearms is exempt from the making tax and filing of the ATF Form 1 application. Such qualified manufacturer must report and register each NFA firearm manufactured by filing ATF Form 2, Notice of Firearms Manufactured or Imported, as required by 27 CFR § 479.102.

c. **Payment of/Exemption from Payment of Tax.** As provided in 26 U.S.C. § 5821, there is a \$200.00 tax on each firearm made, **except** as provided in 26 U.S.C. §§ 5852 and 5853, when an NFA firearm may be made without payment of the tax when made by, or on behalf of the United States or any State or political subdivision thereof. Documentation that the firearm is being made for a government entity, such as a United States government contract or a State or local government agency purchase order, must accompany the application. The reactivation of a registered unserviceable firearm is subject to the making tax.

d. **Photographs and Fingerprints.** An individual maker (*including any Federally licensed collector but not any other type of Federal firearms licensee*) must (1) attach to each copy in item 12 of the ATF Form 1, a 2 inch x 2 inch photograph of his/her frontal view taken 479.63 says one year prior to the date of the application and (2) submit two properly completed FBI Forms FD-258 (*Fingerprint Card with blue lines*) with the application. The fingerprints must be clear for accurate classification and taken by someone properly equipped to take them.

e. **Signatures.** All signatures required on ATF Form 1 must be original in ink on both copies.

f. **Law Enforcement Certification.** The chief law enforcement officer is considered to be the Chief of Police for the maker's city or town of residence, the Sheriff for the maker's county of residence; the Head of the State Police for the maker's State of residence; a State or local district attorney or prosecutor having jurisdiction in the maker's area of residence; or another person whose certification is acceptable to the Director, Bureau of Alcohol, Tobacco and Firearms and Explosives. If someone has specific delegated authority to sign on behalf of the Chief of Police, Sheriff, etc., this fact must be noted by printing the Chief's, Sheriff's, or other authorized official's name and title, followed by the word "by" and the full signature and title of the delegated person. Item 13 must be completed for an individual maker. The certification must be dated no more than one year prior to the date of receipt of the application.

g. **Remittance.** If the application is subject to the making tax, a check or money order, made payable to the Bureau of Alcohol, Tobacco, Firearms and Explosives, in the amount of \$200.00 must be submitted with the ATF Form 1. Do not send cash.

h. **Photocopies or Computer Generated Versions.** The ATF Form 1 may be photocopied or a computer-generated version (*as long as it is in the same format and contains all required information*) may be used. This form may also be downloaded from the ATF Internet website at www.atf.gov. After downloading this form, photocopy it so that the front and back are on the same sheet of paper. The NFA Branch will not accept the application if the front and back are on separate sheets of paper.

i. **Serial Numbers and other Markings.** If an existing firearm is being modified into an NFA firearm, enter the existing serial number of the firearm into item 4g and the name and address of the original manufacturer into item 4a. **Do not Alter or Modify the Existing Serial Number.** If the NFA firearm is being made from parts, your name and address are to be entered into 4a and a serial number you create is to be entered into item 4g.

2. Preparation of Application and Payment of Tax.

- a. **Authority.** As provided by 26 U.S.C. § 5822, any person (*other than a qualified manufacturer of firearms (see paragraph b)*) seeking to make a firearm must complete, in duplicate, a separate application

Instructions (Continued)

- j. Submission.** All requested information must be entered in blue or black ink and must be legible. Illegible entries will be returned for correction. Send both copies of the ATF Form 1 and attachments to the address located in the upper right hand corner on the face side of the ATF Form 1. The return of the application or your sending it to any other address will only delay the processing.
- 3. Approval of Application.** Upon approval of an application, the NFA Branch will affix the NFA tax stamp (*if any*) to the application, cancel it, and return the approved copy to the maker. The approval of the application effectuates registration of the firearm to the maker; however, the firearm must not be made until the application has been approved.
- 4. Withdrawal of Application.** The application may be withdrawn prior to approval by submission of a written request from the maker. The NFA Branch will arrange for a refund of any tax paid.
- 5. Cancellation of Approved Application.** An approved application may be cancelled only if the firearms had not been made or modified. The maker must return the approved application with a written request for cancellation, citing the need and that the making of the firearm did not take place. The NFA Branch will arrange for a refund of any tax paid.
- 6. Disapproval of Application.** If the application is disapproved, the NFA Branch will note the reason for disapproval on the application and return one copy to the maker. The NFA Branch will arrange for a refund of any tax paid.
- 7. Reasons for Disapproval.** 26 U.S.C. § 5822 provides that applications shall be denied if the making or possession of the firearm would place the maker in violation of law.
- a. State or Local Law.** If State or local law prohibits the making or possession of the firearm being made, the application will be disapproved.
- b. Machineguns**
- (1) 18 U.S.C. § 922(o) provides that machineguns may be made only for government use or export. An application will be denied unless the making meets these criteria.
- c. Persons Prohibited from Making a Firearm.** The application will be disapproved if the maker is a person prohibited from possessing a firearm by 18 U.S.C. § 922(g), which provides that it shall be unlawful for any person-
- (1) who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;
- (2) who is a fugitive from justice;
- (3) who is an unlawful user of or addicted to any controlled substance;
- (4) who has been adjudicated as a mental defective or who has been committed to a mental institution;
- (5) who, being an alien, is illegally or unlawfully in the United States or, except as provided in 18 U.S.C. § 922(y)(2), has been admitted to the United States under a nonimmigrant visa (*as that term is defined in 8 U.S.C. § 1101(a)(26)*);
- (6) who has been discharged from the Armed Forces under dishonorable conditions;
- (7) who, having been a citizen of the United States, has renounced his citizenship;
- (8) who is subject to a court order that-
- (A) was issued after a hearing of which such person received actual notice; and at which such person had an opportunity to participate;
- (B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and
- (C) (I) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or (II) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury, or
- (9) who has been convicted in any court of a misdemeanor crime of domestic violence, to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.
- 8. Status inquiries and Questions.** The NFA Branch telephone number is (304) 616-4500. Any inquiry relating to the status of an application to make an NFA firearm or about procedures in general should be directed to the NFA. Please be aware that the information relating to the registration of firearms is defined as "return" or "return information" by 26 U.S.C. § 6103 and disclosure is generally prohibited to anyone other than the registrant. Information relating to the NFA and other firearms laws is also available at the ATF Internet website www.atf.gov.
- 9. Penalties.** Any person who violates or fails to comply with any of the requirements of the NFA shall, upon conviction, be fined not more than \$10,000 or be imprisoned for not more than 10 years, or both. Any firearm involved in a violation of the NFA shall be subject to seizure and forfeiture. It is unlawful for any person to make or cause the making of a false entry on any application or record required by the NFA knowing such entry to be false.
- 10. Compliance with the Gun Control Act.** All provisions of the GCA must also be complied with.

Privacy Act Information

- 1. Authority.** Firearms Act Solicitation of this information is made pursuant to the National (26 U.S.C. §§ 5821 and 5822). Disclosure of this information by the applicant is mandatory for any person (*other than a manufacturer qualified under the National Firearms Act*) making a firearm as defined in the National Firearms Act.
- 2. Purpose.** To verify payment of the tax imposed by 26 U.S.C. § 5821; to determine that the making would not be in violation of law; and to effect registration of the firearm.
- 3. Routine Uses.** The information will be used by ATF to make the determinations set forth in paragraph 2. In addition, to effect registration of the firearm, information as to the identification of the firearm, date of registration, and the identification and address of person entitled to possess the firearm will be entered into the National Firearms Registration and Transfer Record. No information obtained from a application, registration, or records required to be submitted by a natural person in order to comply with any provision of the National Firearms Act or regulations issued thereunder, shall, except in connection with prosecution or other action for furnishing false information, be used, directly or indirectly, as evidence against that person in any criminal proceeding with respect to a violation of law occurring prior to or concurrently with the filing of the application. The information from this application may only be disclosed to Federal authorities for purpose of prosecution for violation of the National Firearms Act.
- 4. Effects of not Supplying Information Requested.** Failure to supply complete information will delay processing and may cause denial of the application.

Paperwork Reduction Act Notice

This form is in accordance with the Paperwork Reduction Act of 1995. The information you provide is used to establish that a transferee's receipt and possession of the firearm would be in conformance with Federal, State, and local law. The data is used as proof of lawful registration of a firearm to the manufacturer. The furnishing of this information is mandatory (26 U.S.C. § 5822).

The estimated average burden associated with this collection of information 4 hours per respondent or recordkeeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be addressed to Reports Management Officer, Document Services Branch, Bureau of Alcohol, Tobacco, Firearms and Explosives, Washington, DC 20226.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.